

APPLICATION FOR CRIMINAL COMPLAINT		APPLICATION NO. (COURT USE ONLY) 1951CR00122		Page 1 of 1		TRIAL COURT OF MASSACHUSETTS DISTRICT COURT DEPARTMENT																																				
I, the undersigned complainant, request that a criminal complaint issue against the accused charging the offense(s) listed below. If the accused HAS NOT BEEN ARRESTED and the charges involve:						Waltham DC 38 Linden Street Waltham, MA 02452																																				
<input type="checkbox"/> ONLY MISDEMEANOR(S), I request a hearing <input type="checkbox"/> WITHOUT NOTICE because of imminent threat <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> COMMISSION OF A <input type="checkbox"/> FLIGHT <input type="checkbox"/> WITH NOTICE to accused <input type="checkbox"/> ONE OR MORE FELONIES, I request a <input type="checkbox"/> WITHOUT <input type="checkbox"/> WITH NOTICE to accused <input type="checkbox"/> WARRANT is requested because prosecutor represents that accused may not appear unless						ARREST STATUS OF ACCUSED <input checked="" type="checkbox"/> HAS <input type="checkbox"/> HAS NOT been arrested																																				
INFORMATION ABOUT ACCUSED																																										
NAME (FIRST MI LAST) AND ADDRESS MARK PAUL FITZGERALD <div style="background-color: black; width: 100px; height: 40px; margin-top: 5px;"></div>				BIRTH DATE		SOCIAL SECURITY NUMBER																																				
				PCF NO.		MARITAL STATUS Single																																				
				DRIVERS LICENSE NO.		LICENSE STATE MA																																				
				GENDER Male		HEIGHT 510	WEIGHT 215	EYES Blue																																		
HAIR Brown	RACE White	COMPLEXION Light	SCARS/MARKS/TATTOOS	BIRTH STATE OR COUNTRY		DAY PHONE																																				
EMPLOYER/SCHOOL				MOTHER MAIDEN NAME		FATHER'S NAME																																				
CASE INFORMATION																																										
COMPLAINANT NAME (FIRST MI LAST) Trooper Glenn Witaszek ADDRESS State Police Weston (H-8) 668 South Avenue Weston, MA 02493				COMPLAINANT TYPE		PD																																				
				<input checked="" type="checkbox"/> POLICE <input type="checkbox"/> CITIZEN <input type="checkbox"/> OTHER		M.S.P.																																				
				PLACE OF OFFENSE RT 90 West, Mile Marker 123, WESTON, MA																																						
				INCIDENT REPORT NO. 2019-0H8-000583		OBTN TSEH201900532																																				
				CITATION NO(S)																																						
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>OFFENSE CODE</th> <th>CHARGE DESCRIPTION</th> <th>CITATION #</th> <th>OFFENSE DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>265-15A-B</td> <td>A&B WITH DANGEROUS WEAPON +60</td> <td></td> <td>01/25/2019</td> </tr> <tr> <td colspan="5">VARIABLES (e.g. victim name, controlled substances, type and value of property, other variable information; see Complaint Language Manual)</td> </tr> <tr> <td>2</td> <td>90-24-C</td> <td>LEAVE SCENE OF PROPERTY DAMAGE</td> <td></td> <td>01/25/2019</td> </tr> <tr> <td colspan="5">VARIABLES (e.g. victim name, controlled substances, type and value of property, other variable information; see Complaint Language Manual)</td> </tr> <tr> <td>3</td> <td>90-24-E</td> <td>NEGLIGENT OPERATION OF MOTOR VEHICLE</td> <td></td> <td>01/25/2019</td> </tr> <tr> <td colspan="5">VARIABLES (e.g. victim name, controlled substances, type and value of property, other variable information; see Complaint Language Manual)</td> </tr> </tbody> </table>									OFFENSE CODE	CHARGE DESCRIPTION	CITATION #	OFFENSE DATE	1	265-15A-B	A&B WITH DANGEROUS WEAPON +60		01/25/2019	VARIABLES (e.g. victim name, controlled substances, type and value of property, other variable information; see Complaint Language Manual)					2	90-24-C	LEAVE SCENE OF PROPERTY DAMAGE		01/25/2019	VARIABLES (e.g. victim name, controlled substances, type and value of property, other variable information; see Complaint Language Manual)					3	90-24-E	NEGLIGENT OPERATION OF MOTOR VEHICLE		01/25/2019	VARIABLES (e.g. victim name, controlled substances, type and value of property, other variable information; see Complaint Language Manual)				
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REMARKS																																										
COURT USE ONLY A HEARING UPON THIS COMPLAINT APPLICATION WILL BE HELD AT THE ABOVE COURT ADDRESS ON DATE OF HEARING TIME OF HEARING AT																																										
DATE 1-28-19 PROCESSING OF NON-ARREST APPLICATION (COURT USE ONLY) CLERK/JUDGE																																										
NOTICE SENT OF CLERK'S HEARING SCHEDULED ON:						<div style="font-size: 2em; font-weight: bold;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">JAN 28 2019</div> <div style="font-weight: bold; margin-top: 10px;">WALTHAM DISTRICT COURT</div>																																				
NOTICE SENT OF JUDGE'S HEARING SCHEDULED ON:																																										
HEARING CONTINUED TO:																																										
APPLICATION DECIDED WITHOUT NOTICE TO ACCUSED BECAUSE: <input type="checkbox"/> IMMINENT THREAT <input type="checkbox"/> BODILY INJURY <input type="checkbox"/> CRIME <input type="checkbox"/> FLIGHT BY ACCUSED <input type="checkbox"/> FELONY CHARGED AND POLICE DO NOT REQUEST NOTICE <input type="checkbox"/> FELONY CHARGED BY CIVILIAN: NO NOTICE AT CLERK'S DISCRETION																																										
DATE 1-28-19 COMPLAINT TO ISSUE COMPLAINT DENIED CLERK/JUDGE																																										
<input checked="" type="checkbox"/> PROBABLE CAUSE FOUND FOR ABOVE OFFENSE(S) NO(S) <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input checked="" type="checkbox"/> 3 BASED ON <input checked="" type="checkbox"/> FACTS SET FORTH IN ATTACHED STATEMENT(S) <input type="checkbox"/> TESTIMONY RECORDED: TAPE NO. _____ START NO. _____ END NO. _____ <input type="checkbox"/> WARRANT <input type="checkbox"/> SUMMONS TO ISSUE ARRAIGNMENT DATE: _____						<input type="checkbox"/> NO PROBABLE CAUSE FOUND <input type="checkbox"/> REQUEST OF COMPLAINANT <input type="checkbox"/> FAILURE TO PROSECUTE <input type="checkbox"/> AGREEMENT OF BOTH PARTIES <input type="checkbox"/> OTHER COMMENT																																				

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MASSACHUSETTS UNIFORM CITATION



DATE WRITTEN (MM/DD/YY) 01/25/19		AGENCY CODE H8		OFFICER I.D. NUMBER 3064		COURT CODE 051		TYPE OF VIOLATOR <input checked="" type="checkbox"/> OPERATOR <input type="checkbox"/> OWNER <input type="checkbox"/> PASSENGER <input type="checkbox"/> BICYCLIST		282968AA	
MOTOR VEHICLE LICENSE NO. OF VIOLATOR [REDACTED]				STATE MA		CLASS D		CDL LICENSE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		RACE W	
VIOLATOR NAME (LAST) FITZGERALD				VIOLATOR NAME (FIRST) MARK				(INITIAL) PAUL		BIRTH DATE (MM/DD/YY) 08/19/81	
ADDRESS [REDACTED]				CITY/TOWN [REDACTED]				STATE MA		ZIP 01901-1027	
PLATE TYPE PAN		VEHICLE REGISTRATION NO. 7TA758		STATE MA		YEAR 2016		MAKE AND TYPE INFI/QX70		COLOR WHI	
CDL VEHICLE <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		15+ PASSENGERS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		PLACARDED HAZMAT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							
OFFENSE DATE (MM/DD/YY) 01/25/19		LOCATION OF OFFENSE (include #, st, hwy, city or town) I-90 WEST 123 MILE MARKER, WESTON, MA						TIME OF OFFENSE 04:43		CRASH <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
A. CHAP/SEC/SUB 90/24/E		DESCRIPTION OF OFFENSE CRIMINAL NEGLIGENCE OPERATION OF MOTOR VEHICLE C90 §24(2)(A)						ASSESSMENT \$		NOTICE TO VIOLATOR SEE BELOW FOR INSTRUCTIONS	
B.								\$			
C.								\$			
D. SPEEDING		MPH IN MPH A ZONE <input type="checkbox"/> POSTED <input type="checkbox"/> CLOKED <input type="checkbox"/> NOT POSTED <input type="checkbox"/> RADAR <input type="checkbox"/> LIDAR <input type="checkbox"/> ESTIMATED						\$			
SPEEDING ASSESSMENTS INCLUDE A \$50 HEAD INJURY SURCHARGE AND VIOLATIONS OF M.G.L. CHAPTER 89 AND 90 INCLUDE A \$5 SURCHARGE FOR THE PUBLIC SAFETY TRAINING FUND										TOTAL DUE \$	
CITATION TYPE <input type="checkbox"/> ALL CIVIL INFRACTIONS <input type="checkbox"/> CRIMINAL APPLICATION <input checked="" type="checkbox"/> ARREST <input type="checkbox"/> WARNING										COURT ADDRESS WALTHAM DISTRICT COURT 36 LINDEN STREET WALTHAM, MA 02452 (781) 894-4500	
OFFICER CERTIFIES <input checked="" type="checkbox"/> IN HAND TO VIOL <input type="checkbox"/> MAILED TO VIOL <input type="checkbox"/> IN HAND TO VIOLATOR'S AGENT											
OFFICER CERTIFIES THAT THIS CITATION WAS ISSUED ON THE DATE WRITTEN TO THE NAMED VIOLATOR				AGENT NAME [REDACTED]							
/s/ TPR. WITASZEK OFFICER ELECTRONIC SIGNATURE				AGENT'S LICENSE NUMBER & STATE [REDACTED]							

FOLLOW OFFICERS INSTRUCTIONS (ARREST)

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JAN 28 2019

WALTHAM DISTRICT COURT

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TRIAL COURT OF MASSACHUSETTS
DISTRICT COURT DEPARTMENT

undersigned alleges the following as a ☒ full or ☐ partial statement
factual basis for the offense(s) for which a criminal complaint is sought

Trooper Glenn W Witaszek #3064

Arrest

On Friday 01-25-2019 at approximately 1643 hours, I was notified by the desk officer Trooper Gerad Lethin that he had received numerous phone calls for a white SUV heading West on I-90 from the Route 128/I-95 area towards the Barracks with a man on the hood. At this time of day it is in the middle of rush hour and traffic heading westbound is stop and go. Traffic is heavy from about 1530 hours to about 1900 hours, this time of year. At this time I was heading West on I-90 approaching exit 12 in Framingham around the 112 mile marker. I had to make a flip at exit 12 and head back East. Trooper Daniel Myers advised that he had just pulled into the Barracks and stated he was going to go to the incident. Trooper Myers advised the desk that he was out with that car at the 120.6 mile marker. Trooper Myers had stopped in the eastbound median and noticed a male party with a black handgun. Trooper Myers drew his weapon and had the male party put down the handgun and jumped the cement median barrier, took the handgun and placed the male party in handcuffs, till he could determine what was going on. Moments later Trooper Matthew Haidul arrived on scene to assist, he was on the westbound side and pulled behind the white Infinty. I arrived on scene about 6 minutes later, on the eastbound side and pulled behind Trooper Myers cruiser.

When I arrived on scene, I noticed a white Infinity SUV in the left median with a broken windshield. The operator of that vehicle was later determined to be FITZGERALD, Mark [REDACTED] of Ashland MA. The male party who was on the hood was identified as KAMROWSKI, Richard [REDACTED] of Framingham MA. I spoke with FITZGERALD and KAMROWSKI about what had happened. There was also several other male parties standing outside of cars in the left lane and median. I did notice that one man was in handcuffs. Trooper Myers advised me what had happened.

FITZGERALD seemed very upset and was smoking from a vape machine. FITZGERALD stated that he was traveling West on I-90 in the left lane, just West of Route 128/I-95, when his vehicle was hit when the pickup truck KAMROWSKI was driving went into the left/ 4th lane and hit his SUV. He then stated that he did not stop and was not going to pull over and exchange information or dial 911. He then stated as he was driving, traffic was stop and go. The next thing he noticed was KAMROWSKI was walking up to his vehicle. He rolled down his passenger side window. The two exchanged some words and KAMROWSKI grabbed a water bottle off of the passenger side seat. KAMROWSKI then walked in front of the Infinity. FITZGERALD stated that he then started to drive and KAMROWSKI jumped on the hood of his SUV and smashed the windshield with the water bottle. FITZGERALD stated that he was in fear for his safety so he started to drive with KAMROWSKI on his hood. FITZGERALD stated that he had stopped several times and told KAMROWSKI to get off of the hood and he refused to so he drove some more. About 2 miles up the road several cars boxed him in and he stopped in the median. He stated a man exited one vehicle and pointed a gun at him and asked him to exit the car and get on the ground.

KAMROWSKI stated that he was traveling West in the third travel lane just West of Route 128/ I-95. KAMROWSKI stated that FITZGERALD drifted over into his lane and hit the mirror of his truck and folded it forward. He stated he did not know if his mirror was broken. He stated that he just wanted to exchange information with FITZGERALD regarding the minor crash. KAMROWSKI stated that FITZGERALD just kept on driving. KAMROWSKI stated that traffic was heavy and it took him a little bit of time, but he was able to get in the left lane behind FITZGERALD. KAMROWSKI did not call 911.

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KAMROWSKI stated that traffic had stopped and he exited his pickup truck and walked up to FITZGERALD in the white Infinity SUV, the passenger side window was rolled down by FITZGERALD. KAMROWSKI stated that he asked FITZGERALD to pull over and exchange information. KAMROWSKI stated that FITZGERALD told him that he was not going to pull over. At this point KAMROWSKI grabbed a water bottle on the front passenger seat and walked in front of the Infinity. KAMROWSKI stated that he asked FITZGERALD to pull over. KAMROWSKI stated that FITZGERALD then pulled his SUV forward almost striking him. FITZGERALD was yelling at KAMROWSKI to get out of the road. KAMROWSKI then states that FITZGERALD drove forward more, causing him to jump onto the hood to not get run over by the SUV. FITZGERALD started to drive down the highway and KAMROWSKI smashed the water bottle into the windshield breaking it. KAMROWSKI then stated FITZGERALD continued to drive down the highway, he would speed up fast and hit the brakes fast, trying to get KAMROWSKI off the hood. KAMROWSKI stated at one point he felt the SUV was going about 60 to 70 MPH. KAMROWSKI stated that he thought he was going to die. They then ran into traffic and FITZGERALD had to slow down. Then a group of cars boxed in the SUV and forced it into the center median. Now that the SUV was boxed in, KAMROWSKI felt safe enough to get off the hood and he did.

I spoke with several eye witness' who's had taken some video of some of the incident and called 911. One eyewitness was identified as SCHUR, Amir [REDACTED] SCHUR stated that he did not witness the crash, but he did see when KAMROWSKI was at the white SUV. SCHUR stated that KAMROWSKI approached the Infinity and went to the front passenger side window. KAMROWSKI and FITZGERALD were arguing. He stated KAMROWSKI then walked in front of the Infinity and the Infinity drove forward toward KAMROWSKI and he jumped on the hood to avoid being run over. He stated that the Infinity then started to drive away with KAMROWSKI on the hood. He said the Infinity would speed up and step on the brakes hard, quickly starting and stopping, attempting to throw KAMROWSKI off the hood. He said that he and several other vehicles were trying to block the Infinity, but the Infinity stopped quickly, then suddenly sped off changing lanes and accelerating to a high rate of speed. SCHUR was able to catch up the Infinity further up the roadway and was able to force the Infinity to the median and stop, with the assistance of several other vehicles. SCHUR ran around the Infinity and attempted to open the driver's side door, but FITZGERALD closed the door. SCHUR sent me a copy of the video that they had taken. The front passenger side window is still open in the video and the front windshield is broken on the Infinity.

I also spoke with FUSCHETTI, Raymond [REDACTED] He stated that he did not witness the accident, but saw KAMROWSKI approach the Infinity. He stated that KAMROWSKI appeared to very angry as he approached the Infinity. He stated KAMROWSKI went to the passenger side of the Infinity to the front door. He stated that KAMROWSKI leaned into the open window and KAMROWSKI and FITZGERALD were arguing. FUSCHETTI stated that he could not see exactly what was going on, but thought they might be hitting each other. FUSCHETTI then started to film the incident with his phone. He stated that KAMROWSKI walked in front of the Infinity and jumped on the hood. The Infinity then started to drive. He said the Infinity would speed up and brake suddenly. He said several vehicles had the Infinity boxed in, but it stopped and took off changing lanes and sped up to an estimated 70 mph. The Infinity then ran back into traffic and he and several other vehicles were able to box it in and got it to stop at the 120.6 mile marker in Weston. FUSCHETTI stated that he would email me a copy of the video, but I have yet to receive it. FUSCHETTI stated that he was in front of the Infinity when it stopped.

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actual basis for the offense(s) for which a criminal complaint is sought

[redacted] spoke with HERNANDEZ, Frankie [redacted]. He stated that he was driving westbound on I-90 and noticed a white Infinity pass him with male party on the hood. HERNANDEZ stated that several cars got the Infinity to pull over, but there was a gap in front of the Infinity. He pulled his vehicle directly in front of the Infinity and exited his vehicle. HERNANDEZ is licensed to carry a firearm. He stated that he was in fear of the safety of the man on the hood. He drew his firearm approached the Infinity and told the driver to exit the vehicle and get on the ground. KAMROWSKI was able to slide down the hood of the Infinity and get to safety. The driver FITZGERALD exited the vehicle but did not get on the ground. Moments later Trooper Myers arrived on scene and noticed HERNANDEZ had a black handgun. Trooper Myers drew his weapon and ordered HERNANDEZ to put the weapon down and he complied. Trooper Myers then placed HERNANDEZ in handcuffs till he could figure out what was going on. Several bystanders advised Trooper Myers that HERNANDEZ was just a Good Samaritan helping out. HERNANDEZ license to carry was verified and his firearm was later returned to him.

Based on the information KAMROWSKI was placed under arrest for the following offenses: 272-53 Disorderly Person and 266-28 Malicious Damage to a Motor Vehicle. Trooper Myers placed KAMROWSKI under arrest. He was transported back to the Barracks where he was booked, photographed, allowed use of the telephone, advised of his Miranda Rights, fingerprinted and placed in cell #1. KAMROWSKI had no BOP. Bail was set at ROR by Bail Commissioner Helberg. KAMROWSKI was later bailed for Waltham DC on Monday 01-28-2019 at 0830 AM.

I placed FITZGERALD under arrest for the following offenses: 265-15A-B Assault and Battery with Dangerous Weapon +60, 90-24 Negligent Operation of a Motor Vehicle and 90-24 Leaving the Scene of a Property Damage Accident. He was transported back to the Barracks where he was booked, photographed, allowed use of the telephone, advised of his Miranda Rights, fingerprinted in placed in cell #3. FITZGERALD had no BOP. Bail was set at ROR by Bail Commissioner Helberg. FITZGERALD was later bailed for Waltham DC on Monday 01-28-2019 at 0830 AM.

As of end of my shift on Sunday 01-27-2019 I have not received the video from FUSHETTI. I am unable to download and the videos that Mr SCHUK sent to my email. I will contact the District Attorney office and see if I can forward the email to one. The videos were uploaded to One box.

I also filed an Immediate Threat for FITZGERALD with the Registry of Motor Vehicles.

I respectfully request that this case be closed, pending further action by the court.

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Trooper Daniel T Myers #4190

Supplemental Report

1. On Friday January 25, 2019 at approximately 4:43 PM, I, Trooper Daniel Myers #4190 was assigned to the eve shift out of the Weston State Police Barracks. I was in full uniform and operating fully marked State Police Cruiser #1884. I was dispatched the area of I90 West around mile marker 121 for a numerous 911 calls reporting a vehicle driving down the highway with a person on the hood of the vehicle.
2. I arrived on scene I observed several vehicles stopped in the left median and several male parties standing outside appearing to be yelling at each other. As I exited my cruiser, I observed one male party who appeared to holding a black handgun and pointing it at another male party. I immediately drew my firearm and ordered the male to drop the gun. The male party with the gun, later identified as HERNANDEZ, Frankie [REDACTED] yelled "I have an LTC". Not knowing what HERNANDEZ' involvement in the situation was, I again ordered HERNANDEZ to drop the gun, which he then obeyed. I then placed HERNANDEZ in handcuffs and secured his firearm until I could get further information on what was going on. At this time Trooper Matthew Haidul #3936 and Trooper Glenn Witaszek #3064 arrived on scene to assist.
3. I began interviewing all of the individuals involved and the witnesses on scene who all stated that HERNANDEZ was a good samaritan and was only trying to help. HERNANDEZ was later released and no charges will be filed against him.
4. This is supplemental report, please see full arrest report for full information on the incident.

STON

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Complainant alleges the following as a <input checked="" type="checkbox"/> full or <input type="checkbox"/> partial statement factual basis for the offense(s) for which a criminal complaint is sought			
PRINTED NAME <i>Det. W. Tazee</i>	SIGNATURE <i>[Signature]</i>	I AM A <input checked="" type="checkbox"/> LAW ENFORCEMENT OFFICER <input type="checkbox"/> CIVILIAN COMPLAINANT OR WITNESS	DATE SIGNED <i>1-27-19</i>
ADDITIONAL FACTS FOUND BY CLERK/MAGISTRATE / ASST. CLERK/JUDGE BASED ON ORAL TESTIMONY			
REMARKS	SIGNATURE OF CLERK/MAGISTRATE / ASST. CLERK / JUDGE		DATE SIGNED

COURT COPY